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EXAMINER	
MEUCCI, MICHAEL D	

ART UNIT	PAPER NUMBER
2442	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	09/427,938	HENDRICKS ET AL.	
	Examiner	Art Unit	
	MICHAEL D. MEUCCI	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-18 and 20-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-18 and 20-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 October 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/09/09, 03/24/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the request for reconsideration filed 03 March 2009.

2. Claims 1, 3-18, and 20-28 are pending.

Information Disclosure Statement

3. The Information Disclosure Statements (IDS) filed 09 January 2009 and 24 March 2009 have been considered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3-18, and 20-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The term "likely to be viewed" on lines 26 and 25, respectively, in claims 1 and 18 is a relative term which renders the claims indefinite. The term "likely to be viewed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of applying art, it will be presumed by the examiner that electronic books that are “likely to be viewed” are any books pre-loaded into memory. In addition, it is recommended by the examiner that

"popular electronic books" be defined explicitly in the claims such that no speculation is necessary to determine what may be considered popular or not.

b. Claim 23 recites the limitation "the priority model" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. It is presumed by the examiner that the applicant meant to specify "the queue priority model" as declared in claim 18. Correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 10, 13-18, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya (U.S. 5,239,665) in view of Hoffman et al. (U.S. 2005/0144133 A1) hereinafter referred to as Hoffman, Durden et al. (U.S. 5,003,384) hereinafter referred to as Durden, and Ishii et al. (U.S. 5,598,279) hereinafter referred to as Ishii.

a. Regarding claims 1 and 18, Tsuchiya teaches: a main memory located at a local library that stores electronic books for delivery to electronic book viewers of subscribers in the system via at least one of an internet network, a cable telephone network, and a broadcasting network (vending machine 30 of lines 7-10 of column 6 and Fig. 6), wherein the electronic books are received from at least one remote provider

(lines 44-47 of column 5 and lines 7-10 of column 6), and each of the electronic book viewers of the subscribers includes a local memory (lines 4-5 of column 6 and vending machine 30 of Fig. 6); a queuing processor coupled to the main memory that receives electronic book orders from the subscribers and determines a queue location for an ordered electronic book (lines 38-42 of column 6); second queues that temporarily store second sections of electronic books (lines 8-18 of column 6); wherein the electronic books include order-on-demand electronic books and popular electronic books, the order-on-demand electronic books are received from the at least one remote provider upon requests from the subscribers (lines 38-42 of column 6) and the popular electronic books are pre-loaded into at least one of the main memory and the local memory of the electronic book viewers of the subscribers (line 62 of column 6 through line 4 of column 7); and wherein the local memory of the electronic book viewer is updated to fill empty storage space in the local memory with the first sections of electronic books that are likely to be viewed by the subscriber (lines 35-42 of column 6).

Tsuchiya does not explicitly teach: first queues that temporarily store first sections of electronic books; and second queues that temporarily store second sections of electronic books; wherein the first sections of electronic books are delivered to the subscribers without charge and the second sections of electronic books are delivered when an order for the electronic books is made by a subscriber; wherein the first sections of the electronic books stored in the local memory of the electronic book viewer are deleted if the second sections of the electronic books are not requested by the subscriber after a predetermined period of time, and wherein the local memory of the

electronic book viewer is updated to fill empty storage space in the local memory with the first sections of electronic books that are likely to be viewed by the subscriber.

Regarding: first queues that temporarily store first sections of electronic books, Hoffman discloses: “Preferably, while the user was logged-off, these customized book selections were automatically and periodically collected from third-party databases 28 by the Clearinghouse 14 based on the user's Rule Module to reflect the user's interests,” (paragraph [0216] on page 16). It would have been obvious for one of ordinary skill in the art at the time of the applicant’s invention to have first queues that temporarily store first sections of electronic books. “Additionally, in this embodiment, the user clicks on the "Reading" icon to access third-party databases 28 storing certain electronic books for which the user has pre-paid, some of which are a customized selection of books related to the user's coursework and some of which are a customized selection of new best sellers,” (paragraph [0216] on page 16 of Hoffman). Preloading the selections additionally allows the user instantaneous access to the materials when desired. It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have first queues that temporarily store first sections of electronic books in the system as taught by Tsuchiya.

Regarding: wherein the first sections of electronic books are delivered to the subscribers without charge and the second sections of electronic books are delivered when an order for the electronic books is made by a subscriber, Durden discloses: This transaction, as indicated, includes a field that may be used to control what are called preview time and free time. Preview time is defined as a period or window of time at the

beginning of an event during which the event or a preview of a future event may be watched without being purchased," (lines 18-23 of column 10). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have first sections delivered without charge and second sections delivered when an order for the electronic books is made. The "trying before buying" concept gives the user the opportunity to test/view a sample or portion of the product to help them determine if they wish to purchase the full version of the product. This concept is extremely well known in the art. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have first sections delivered without charge and second sections delivered when an order for the electronic books is made in the system as taught by Tsuchiya.

Regarding: wherein the first sections of the electronic books stored in the local memory of the electronic book viewer are deleted if the second sections of the electronic books are not requested by the subscriber after a predetermined period of time, Ishii discloses: "The circulation term indicates a period of time for which the stored image data should be preserved. The circulation term is compared with a timepiece included in the system and used to effect automatic deletion and to inform a system operator of the permission to delete," (lines 37-41 of column 14). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the first sections of the electronic books stored in the local memory of the electronic book viewer deleted if the second sections of the electronic books are not requested by the subscriber after a predetermined period of time. One of ordinary skill in the art at

the time of the applicant's invention would be readily motivated to delete first sections of an electronic book if the second section of the electronic book is not requested by the user because they have either viewed the first section and did not want to view the rest of the electronic book or did not have the time or money to view and/or purchase the second section of the electronic book. Either way, it is clear that the user does not wish to view the second section of the electronic book and the first sections can automatically be deleted to make room for other first sections. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the first sections of the electronic books stored in the local memory of the electronic book viewer deleted if the second sections of the electronic books are not requested by the subscriber after a predetermined period of time in the system as taught by Tsuchiya.

b. Regarding claim 3, Tsuchiya does not explicitly teach: a priority queue server coupled to the first and the second queues, wherein the priority queue server empties the first and the second queues based on a priority model. However, Hoffman discloses: "Preferably, while the user was logged-off, these customized book selections were automatically and periodically collected from third-party databases 28 by the Clearinghouse 14 based on the user's Rule Module to reflect the user's interests," (paragraph [0216] on page 16). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have a priority queue server coupled to the first and the second queues, wherein the priority queue server empties the first and the second queues based on a priority model. "Additionally, in this embodiment, the user clicks on the "Reading" icon to access third-party databases 28 storing certain

electronic books for which the user has pre-paid, some of which are a customized selection of books related to the user's coursework and some of which are a customized selection of new best sellers," (paragraph [0216] on page 16 of Hoffman). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a priority queue server coupled to the first and the second queues, wherein the priority queue server empties the first and the second queues based on a priority model in the system as taught by Tsuchiya.

c. Regarding claim 10, Tsuchiya teaches: an electronic book viewer, the viewer comprising: a receiver that receives electronic books, a transmitter that transmits electronic book orders, and a memory coupled to the receiver that stores the electronic books; and a processor coupled to the receiver and the memory that controls processing on the viewer, wherein the receiver receives broadcasts of first sections of electronic books and stores the first sections in the memory (line 55 of column 4 through line 11 of column 5 and Fig. 1-6).

d. Regarding claim 13, Tsuchiya teaches: wherein the electronic books comprise an electronic version of one or more of a printed book, a magazine, a catalog, a periodical, and a newspaper (lines 30-33 of column 2).

e. Regarding claims 14 and 15, Tsuchiya teaches: wherein specified electronic books are broadcast on a cyclical basis; and wherein first sections of specified electronic books are broadcast on a cyclical basis (line 56 of column 6 through line 4 of column 7).

f. Regarding claim 16, Tsuchiya teaches: wherein the first sections to be broadcast are determined by reference to one of electronic books read data, demographic data, and subscriber preferences (lines 38-42 of column 6).

g. Regarding claim 17, Tsuchiya teaches: a virtual on-demand menu, the virtual on-demand menu broadcast with a broadcast of one of an electronic book and a first section of an electronic book, wherein the virtual on-demand menu lists electronic books available on the virtual on-demand electronic book system (lines 38-42 of column 6).

h. Regarding claim 20, Tsuchiya teaches: wherein the first queue section comprises an on-demand first section queue (lines 38-42 of column 6).

i. Regarding claim 21, Tsuchiya teaches: wherein the first queue section comprises a popular content first queue (lines 38-42 of column 6).

j. Regarding claim 22, Tsuchiya teaches: wherein the second queue section comprises: an on-demand second section queue; and a popular content second section queue (lines 38-42 of column 6).

k. Regarding claim 23, Tsuchiya does not explicitly teach: wherein the priority model comprises a queue servicing module, the queue servicing module receiving information regarding electronic books stored in the queue section, and determining an order of delivery of the electronic books based on a location an electronic book in the queue section. However, Hoffman discloses: “Preferably, while the user was logged-off, these customized book selections were automatically and periodically collected from third-party databases 28 by the Clearinghouse 14 based on

the user's Rule Module to reflect the user's interests," (paragraph [0216] on page 16). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the priority model comprises a queue servicing module, the queue servicing module receive information regarding electronic books stored in the queue section, and determine an order of delivery of the electronic books based on a location an electronic book in the queue section. "Additionally, in this embodiment, the user clicks on the "Reading" icon to access third-party databases 28 storing certain electronic books for which the user has pre-paid, some of which are a customized selection of books related to the user's coursework and some of which are a customized selection of new best sellers," (paragraph [0216] on page 16 of Hoffman). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the priority model comprises a queue servicing module, the queue servicing module receive information regarding electronic books stored in the queue section, and determine an order of delivery of the electronic books based on a location an electronic book in the queue section in the system as taught by Tsuchiya.

l. Regarding claim 24, Tsuchiya teaches: wherein electronic books in an on-demand queue are delivered before delivery of electronic books in a cyclical queue (line 56 of column 6 through line 4 of column 7).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii, in view of what was well known in the art at the time of the applicant's invention.

a. Regarding claim 4, while Tsuchiya does not explicitly teach emptying the on-demand first section queue and the popular content first section queue, the on-demand second sections queue and the popular content second sections queue in a round robin manner, Official Notice is taken of the round-robin selection scheme for distribution. Round-robin selection is extremely well known in the art at the time of the applicant's invention, and is one of many selection schemes that may be used. Round-robin is considered a design preference, though nearly any selection scheme could be utilized in this system. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to empty the on-demand first section queue and the popular content first section queue, the on-demand second sections queue and the popular content second sections queue in a round robin manner in the system as taught by Tsuchiya, Hoffman, Durden, and Ishii.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii in view of Buhrke et al. (U.S. 5,231,631) hereinafter referred to as Buhrke.

a. Regarding claim 5, Tsuchiya does not explicitly teach: the priority model includes a timing module, wherein the timing module determines a time an electronic book is stored in the first and the second queues and wherein when a maximum time is exceeded, the priority queue server transmits the electronic book out of order. However, Buhrke discloses: “If sending terminal adapter bandwidth has been allocated but the destination terminal adapter has not allocated bandwidth at the time of the first

critical timeout, then all entries in the priority file 45 all of whose ages exceed that critical period of time, repeated requests for bandwidth allocation are transmitted to the destination terminal adapter. If the destination terminal adapter allocates bandwidth before the second critical period of time, then transmission is enabled between the two terminal adapters and the message goes through," (lines 8-17 of column 6). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the priority model includes a timing module, wherein the timing module determines a time an electronic book is stored in the first and the second queues and wherein when a maximum time is exceeded, the priority queue server transmits the electronic book out of order. "The processing of all entries in the request hopper is illustrated in FIG. 4 which describes the request processing function. The process is started (action block 400). The requests are sorted by age (action block 402) so that the oldest requests are treated first," (lines 31-35 of column 6 in Buhrke). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the priority model includes a timing module, wherein the timing module determines a time an electronic book is stored in the first and the second queues and wherein when a maximum time is exceeded, the priority queue server transmits the electronic book out of order in the system as taught by Tsuchiya, Hoffman, Durden, and Ishii.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii in view of Choudhury et al. (U.S. 5,475,682) hereinafter referred to as Choudhury.

a. Regarding claim 6, Tsuchiya does not explicitly teach: wherein the priority model comprises instructions to determine a length of each queue; and transmit an electronic book from a queue having a longest length. However, Choudhury discloses: "Pushing out from the longest queue allows smaller queues to increase in length at the expense of longer queues," (lines 52-53 of column 5). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the priority model comprises instructions to determine a length of each queue; and transmit an electronic book from a queue having a longest length. "This creates a degree of fairness in the sharing of buffer space among the output queues," (lines 53-55 of column 5 in Choudhury). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the priority model comprises instructions to determine a length of each queue; and transmit an electronic book from a queue having a longest length in the system as taught by Tsuchiya, Hoffman, Durden, and Ishii.

11. Claims 7 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii as applied to claims 3 and 18 above, in view of Haddad (U.S. 5,555,441).

a. Regarding claims 7, 25, and 26, Tsuchiya does not explicitly teach: wherein the priority model comprises instructions to search queues for electronic book orders of a same electronic book or a same section of the ordered electronic book; and broadcast completed electronic book orders simultaneously to the subscribers in the system. However, Haddad discloses: "For example, orders for the same program segment having overlapping time allowance intervals can be accumulated and accessed at the appropriate delivery time so that the delivery to the requested subscribers can be substantially simultaneous or broadcasted," (lines 15-19 of column 9). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the priority model comprise instructions to search queues for electronic book orders of a same electronic book or a same section of the ordered electronic book; and broadcast completed electronic book orders simultaneously to the subscribers in the system. "For continually processing new orders without interrupting the optimal schedule, each function maintains a separate schedule for its own use as described under Schedule Database section," (lines 20-23 of column 9 in Haddad). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the priority model comprise instructions to search queues for electronic book orders of a same electronic book or a same section of the ordered electronic book; and broadcast completed electronic book orders simultaneously to the subscribers in the system in the system as taught by Tsuchiya, Hoffman, Durden, and Ishii.

b. Regarding claim 27, Tsuchiya teaches: wherein a second section queue includes second sections of selected electronic books (lines 8-18 of column 6).

c. Regarding claim 28, Tsuchiya teaches: wherein the second sections are delivered when ordere by subscribers of the computer system (lines 8-18 of column 6).

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii in view of Payton (U.S. 5,790,935).

a. Regarding claim 8, Tsuchiya does not explicitly teach: an Internet web site; a web server coupled to the Internet web site; a delivery server coupled to the web server; and a transaction server coupled to the web server, wherein the queuing processor receives electronic book orders from the transaction server and the delivery server receives ordered electronic books from the queue priority server.

Regarding: an Internet web site; a web server coupled to the Internet web site, Hoffman discloses: “Examples of electronic processing of data include, intelligent search of the Internet 18 to locate information (Pull Data), such as the retrieval of investment data and news regarding a specific company, the retrieval medical news about a specific topic, the retrieval of price quotes for services or products, the retrieval of mathematical spreadsheets, emails, visual or graphic images, audible content, software code, computer software programs, Internet web sites, electronic instant messaging, and the like,” (paragraph [0076] on page 7). It would have been obvious for one of ordinary skill in the art at the time of the applicant’s invention to have an Internet web site; and a web server coupled to the Internet web site. The ability to search the

internet, on a website or other means, is clearly recognizable as a common way to obtain the desired information. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have an Internet web site; and a web server coupled to the Internet web site in the system as taught by Tsuchiya.

Regarding: a delivery server coupled to the web server; and a transaction server coupled to the web server, wherein the queuing processor receives electronic book orders from the transaction server and the delivery server receives ordered electronic books from the queue priority server, Payton discloses: "As shown in FIG. 2, a virtual on-demand digital delivery system 22 includes a central distribution server 24, a high bandwidth digital transport system 26, a local server 28 for each subscriber in the group, and a low bandwidth back channel 30. The high bandwidth transport system 26 and the low bandwidth back channel 30 can be replaced by a single bidirectional channel as shown in detail in FIG. 9. In response to a subscriber's request, the delivery system 22 delivers the requested item to the subscriber's playback device 32 such as a television, audio system or computer," (lines 45-54 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a delivery server coupled to the web server; and a transaction server coupled to the web server, wherein the queuing processor receives electronic book orders from the transaction server and the delivery server receives ordered electronic books from the queue priority server. Obvious combinations of the references would be motivated in that the two are both dealing with serving electronic book orders and are clearly from

the same field of endeavor. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a delivery server coupled to the web server; and a transaction server coupled to the web server, wherein the queuing processor receives electronic book orders from the transaction server and the delivery server receives ordered electronic books from the queue priority server in the system as taught by Tsuchiya, Hoffman, Durden, and Ishii.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya in view of Hoffman, Durden, and Ishii as applied to claim 3 above, in view of Himbeault et al. (U.S. 6,556,561 B1) hereinafter referred to as Himbeault.

a. Regarding claim 9, Tsuchiya does not explicitly teach: a service time guarantee; and a network coupling the processor to an associated data processing system, wherein the processor determines a pending service time, wherein if the pending service time exceeds the guarantee, the processor establishes a connection with the associated data processing system, and wherein the associated data processing system processes electronic book orders. However, Himbeault discloses: "As the maximum wait time is approached, the node forces a collision by transmitting even though it senses another node is already transmitting to force the network into a quiet mode. It then starts transmitting the real time data prior to other nodes beginning transmission," (abstract). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a service time guarantee; and the processor establishing a connection with the associated data processing system if the pending

service time exceeds the guaranteed service time guarantee. "A node on a collision detection protocol based network forces collisions to gain control of the network when it has real time data that needs to be transferred to another node on the network, and then begins transmitting the real time data prior to other nodes gaining control of the network," (abstract of Himbeault). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a service time guarantee; and the processor establishing a connection with the associated data processing system if the pending service time exceeds the guaranteed service time guarantee in the system as taught by Tsuchiya, Hoffman, Durden, and Ishii.

14. Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya, Hoffman, Durden, and Ishii as applied to claim 10 above, further in view of Kawakura et al. (U.S. 5,903,901) hereinafter referred to as Kawakura.

a. Regarding claims 11 and 12, Tsuchiya does not explicitly teach: when a first section stored in the memory is accessed or a link in the first section of the electronic book is accessed, the processor generates an order for a corresponding second section, and the transmitter transmits the order; and wherein a first section of the electronic book includes a link, wherein when the link is accessed, the processor generates an order for a corresponding second section of the electronic book. However, Kawakura discloses: "According to one aspect of the present invention there is provided a client device for acquiring and displaying hypermedia documents in a hypermedia document processing system, comprising: display means for interpreting and displaying

a first page of the hypermedia documents acquired from one server; first transmission means for transmitting a first message requesting a second page of the hypermedia documents to be referred from the first page currently displayed by the display means to a request target server which stores the second page," (lines 6-15 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the processor generate an order for a corresponding second section and the transmitter transmits the order when a first section stored in the memory or a link in the first section of the electronic book is accessed; and wherein a first section of the electronic book includes a link, wherein when the link is accessed, the processor generates an order for a corresponding second section of the electronic book. "It is another object of the present invention to provide a message transmission scheme and a relay server device capable of notifying an information concerning an anchor utilization to the source server, according to a page transfer record and a page request transfer record," (lines 1-5 of column 4 in Kawakura). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the processor generate an order for a corresponding second section and the transmitter transmits the order when a first section stored in the memory or a link in the first section of the electronic book is accessed in the system; and wherein a first section of the electronic book includes a link, wherein when the link is accessed, the processor generates an order for a corresponding second section of the electronic book as taught by Tsuchiya, Hoffman, Durden, and Ishii.

Response to Arguments

15. Applicant's arguments filed 03 March 2009 have been fully considered but they are not persuasive. Applicant's arguments are directed towards newly claimed subject matter which have changed the scope of the claims and necessitated new grounds of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442